

Memorandum

TO: Mr. Pete Gutwald, Director, Department of Planning and Zoning

FROM: Jennifer M. Smith, Geosyntec Consultants

DATE: September 5, 2007

SUBJECT: Zoning Code Update Meeting 4 – Meeting Summary
August 27, 2007, Second Floor Conference Room
Harford County Office Building

Attendees

Workgroup Members Present:

Ms. Susie Comer
Col. Charles Day
Ms. Carol Deibel
Mr. Bill Vanden Eynden
Mr. Samuel Fielder, Jr.
Mr. Rowan G. Glidden
Mr. Frank Hertsch
Ms. Susan B. Heselton
Mr. Jeffrey K. Hettleman
Mr. Tim Hopkins
Mr. Douglas Howard
Mr. Gil Jones
Mr. Gregory J. Kappler
Ms. Gloria Moon
Mr. Torrence Pierce
Mr. Frank Richardson
Mr. Lawrason Sayre
Mr. Chris Swain
Mr. Jim Turner
Mr. Craig Ward
Ms. Marisa Willis
Mr. Jay Young

Workgroup Members Absent:

Mr. William E. Goforth

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County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

Facilitators:

Ms. Jennifer M Smith, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

Ms. Meridith Fry, Geosyntec

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Meeting Summary

The fourth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The revised Meeting Summaries from Meeting 2 with attached detailed notes and the Meeting Summary from Meeting 3 were distributed for review and approval. Meeting Summary 2 was approved as is. Meeting Summary 3 was approved with 2 changes: the phrase “landscape plantings” in the Result of Discussion Topic 5 on page 3 will be replaced with “trees”, and the definition of “utility” will be revised.

Presentation by DPZ – Low- and Moderate-Income Housing Bonus:

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, reviewed the proposed changes to the Zoning Code with respect to the Low- and Moderate-Income Housing Bonus (§267-32). In the proposed revised Zoning Code §267-32, the density bonus was increased from 10% to 20%. With respect to the Land Use Strategies on workforce and affordable housing opportunities, section 267-55, Urban Residential Districts were also discussed as part of the presentation. Mr. Gutwald mentioned that there are other alternative development options such as Conventional Open Space (COS), mixed use and Natural Resource District adjustments which provide for a mix of housing type opportunities/incentives. Mr. Gutwald also mentioned that the R zoning classification had been eliminated thereby establishing a minimum urban residential zoning classification density of R1 (1.8 DU/acre). The Land use Element Plan Implementation Strategies that relate to Low- and Moderate-Income Housing Bonus are:

- Update the Zoning Code to provide incentives that encourage the construction of affordable housing.

- Develop flexible design standards that encourage a mix of housing types for residents at all income levels, including the rapidly growing senior population.

Workgroup Discussion:

A workgroup discussion followed Mr. Gutwald's summary of Low- and Moderate-Income Housing Bonus changes indicated in the proposed Zoning Code.

1. Topic: Should we delete §267-32 entirely?

Discussion:

- The revised Zoning Code §267-32 is a workforce housing initiative. . In other jurisdictions, density bonuses are successful. However, in Harford County, the low- and moderate-income housing bonus section of the zoning code has existed since 1986, yet no one has made use of the program. If developers can not obtain the maximum density permitted in the code already, then granting more density will not help low- and moderate-income housing. Design standards are the limiting factor in densities today. In addition, requirements for wetland buffers and forest conservation measures have restricted density. Focusing on design standards is more worthwhile than a density bonus. The zoning code section on design standards in 267.55 must be reviewed first, then incentives and housing density bonuses can be discussed.
- You can change design standards to make housing less expensive than it is today. However, the cost savings will not necessarily be recognized by the buyer, as the market drives the price of housing. Therefore, it is important to provide subsidies in the form of financing and incentives. Federal and state subsidies should be used to help promote affordable housing. In addition, it may be helpful to develop an incentives package with Community Services to help explain affordable housing options.
- Eliminating §267-32 would result in negative consequences due to public perception. In addition, there may be a legal requirement or mandate stating that §267-32 is required to be in the zoning code.
- There was a general concern about increasing density in specific areas, such as natural resource districts.

Result:

- Revised Zoning Code §267-32 will remain as is for the time being and will be re-addressed when §267.55 (design standards) is discussed.

Presentation By DPZ – Signs:

Mr. Gutwald reviewed the changes to the Signs section (§267-33) of the draft zoning code. The Section numbers will be fixed since currently the sections jump from A to C (skips B). The following sections had substantive changes/updates in the Signs section of the proposed zoning code:

- Section C – General Provisions

- Section D – Exemptions
- Section F – Illumination
- Section I – Inspection, Maintenance, Removal
- Section K – Sign Standards by Zoning District and Development Type

Workgroup Discussion:

A workgroup discussion followed Mr. Gutwald's presentation. A detailed description of the workgroup discussion follows:

1. **Topic:** In the Mixed Office (MO) District, Commercial Revitalization District (CRD), Edgewood Neighborhood Overlay District (ENOD), and Integrated Community Shopping Center (ICSC), creative and innovative sign designs should be required instead of encouraged.

Result:

- No action taken.

2. **Topic:** Electronic message boards / Digital, flashing signs

Discussion:

- Requirements for electronic message boards and digital signs apply to external signs. Flashing digital signs are currently prohibited in all zoning districts. However electronic message boards are allowed. Electronic message boards which scroll or change message quickly should be characterized as 'flashing'. These types of roadside messages provide the same safety hazard to drivers as flashing digital signs. As the costs of new electronic signs decrease, they will become more widely used. Therefore, the code needs to provide stricter guidance on electronic message boards.
- However, we must be careful not to prohibit all electronic message boards and digital signs. Some types of electronic message boards, such as date and weather signs at banks, should be allowable.
- The federal government is also currently struggling with how to regulate electronic signs. In general, requirements seem to be needed for a minimum time required between message changes, and for animation. Restrictions on colors and pictures on message boards should be considered.

Result:

- The workgroup, as well as Harford County representatives, will come to Meeting 5 with recommendations on how to address the animation and timing of digital signs. Additionally they were asked to provide recommendations for clearer distinctions between electronic message boards and digital signs.

3. **Topic:** Nonconforming Signs

Discussion:

- As written in the proposed revised Zoning Code, the new sign requirements would only apply to signs permitted as a part of redevelopment or new development and not to existing signs. The workgroup expressed a desire to bring nonconforming signs into compliance. Options discussed included: 1) implementing a “sunset” provision; and, 2) providing incentives such as cost sharing to encourage replacement of existing signs.
- The “sunset” provision would provide for a grandfather time period during which all existing permitted signs would be considered non-conforming, but legal. Once this time limit expires, these existing signs would need to be issued new permits under the proposed revised Zoning Code. The practicality of enforcing such a provision for the thousands of existing signs in the County was discussed. The County would have to rely on the public for notification of non-compliance.
- It was noted that some businesses that have a legitimate sign under the current Zoning Code, may not have the funding to replace their signs to meet new standards. Therefore, the use of cost sharing was proposed.
- In addition, issuing permits with a time limit to coincide with a typical sign lifetime was discussed.
- There was a general discussion on property rights and the appropriateness of aesthetic-type requirements.

Result:

- The text in the proposed revised Zoning Code §267-33(J), nonconforming signs, will be clarified to clearly distinguish between lawfully permitted signs and those erected in violation of the law.
- The workgroup agreed (with multiple dissenting views) that there will **not** be a “sunset” provision for signs.

4. Topic: Agricultural District – Illumination of Permanent Institutional Signs

Discussion:

- Illuminated signs in agricultural districts are not appropriate. Suggestion to delete provision allowing illumination of permanent institutional signs in the agricultural district.

Result:

- The workgroup agreed (with one dissenting view) that illuminated signs for institutional uses will remain allowable in the agricultural district.

5. Topic: Lighting / General Illumination

Discussion:

- The shielding of light from adjacent properties was discussed. The application of shielding to “surrounding/facing premises” was removed from the existing zoning code. Lighting requirements in the proposed revised Zoning Code are dispersed throughout the different sections of the zoning code. There are many lighting concerns that do not apply to signs.

- Agricultural production is very sensitive to lighting. In some cases, growth of plant material or the reproductive cycle of animals can be affected by artificial lighting.

Result:

- General lighting restrictions in agricultural districts will be discussed under the agricultural zoning section.

6. Topic: Prohibited Signs

Result:

- Descriptions of prohibited signs in the ENOD, MO, and ICSC sections will be deleted so as not to imply that these types of signs are allowable in other districts. Prohibited signs will be described under proposed revised Zoning Code §267-33(H).

7. Topic: Billboards

Discussion:

- The definition of billboards as stated in the proposed revised Zoning Code matches the definition of billboards across the country. The revised Zoning Code defines a billboard as “any outdoor advertising sign which promotes or advertises products, services, activities or businesses not related to the site or building or use on which it is located and is not a tenant identification sign”. However, the workgroup members agreed that the citizens of Harford County, generally speaking, have an impression of the definition of a billboard that does not match the definition of a billboard used in the proposed revised Zoning Code. All offsite signs (i.e. real estate signs) are not billboards.

Result:

- The definition of billboard will be changed to an offsite sign larger than 120 square feet. The definition of an offsite sign will be changed to all offsite free-standing signs (the current definition of a billboard).

8. Topic: Permanent Residential Signs

Discussion:

- The maximum size of 32 ft² for permanent residential signs as noted in the proposed revised Zoning Code Section 267-33(C)(8) is too small.

Result:

- The workgroup agreed (with dissenting views) to increase the maximum size of permanent residential signs as noted in the proposed revised Zoning Code Section 267-33(C)(8) to 48 ft².

9. Topic: Street Banners

Discussion:

- There was concern that the definition of ‘temporary signs’ prohibits the hanging of street banners (e.g. city festival signs hanging between lightposts above a road).

Result:

- It was clarified that street banners are usually considered a public sign and therefore would be exempt from temporary sign requirements, provided a public official has approved the sign.

It was suggested by a member of the workgroup, that everyone review, and think about, the Sign Standards by Zoning District and Development Type. Some districts state, "must be compatible with..."; other places need a design plan, and some others have no additional standard.

At Meeting 5, the discussion on Signs will continue. The workgroup plans to discuss restrictions on real estate signs, along with any other concerns brought up regarding the proposed Signs section of the proposed revised Zoning Code.

Administrative Issues:

The Director of Planning and Zoning agreed to distribute the notes/speaking points on the Sign Section prior to the next meeting. For further reference, the notes/speaking points will be distributed at the beginning of each meeting.

The meeting was adjourned at 4:00 pm.

The Harford County Zoning Code website can be accessed at:
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

Meeting Handouts

1. Meeting Agenda
2. Draft Meeting 2 Summary – July 16, 2007
3. Draft Meeting 3 Summary – August 13, 2007

Next Scheduled Meetings

Date: September 10, 2007
Time: 2:00 pm - 4:00 pm
Topic: Meeting 5 – Signs
Location: Harford County Administrative Office Building
220 South Main Street
2nd Floor Conference Room
Bel Air, MD 21014

Date: September 24, 2007
Time: 2:00 pm - 4:00 pm
Topic: Meeting 6 – Forest and Tree Conservation
Location: Harford County Administrative Office Building
220 South Main Street

2nd Floor Conference Room
Bel Air, MD 21014